

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS A. DECOSTA

Defendant.

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8:21CR193

ORDER

This matter is before the court on the defendant's Unopposed Motion to Continue Trial [67]. On November 7, 2022, a telephone conference with counsel for the parties was held with the undersigned magistrate judge. The court was advised that the parties are negotiating a plea agreement with an anticipated change of plea in the next thirty (30) days. For good cause shown,

IT IS ORDERED that the Unopposed Motion to Continue Trial [67] is granted as follows:

1. The jury trial now set for November 15, 2022, is continued to January 3, 2023.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and January 3, 2023**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(iv).
3. **No further continuances will be granted without counsel for the parties requesting a hearing before the undersigned magistrate judge.**

DATED: November 7, 2022

BY THE COURT:

**s/ Michael D. Nelson
United States Magistrate Judge**